

February 12, 2009

TO: Teresa Parsons  
Director's Review Program Supervisor

FROM: Meredith Huff, SPHR  
Director's Review Investigator

SUBJECT: Tom Akin v. Eastern Washington University (EWU)  
Allocation Review ALLO 07-123

**Director's Review Conference**

Mr. Thomas Akin submitted a Director's Review Request Form for his position's allocation on December 24, 2007. On November 25, 2008, I conducted a Director's review conference by phone. Present by phone were Mr. Akin; Dr. Gary Pratt, Chief Information Officer (current supervisor of Mr. Akin's former position); and Lori Kory, Human Resources Associate, representing EWU.

**Director's Determination**

As the Director's review investigator, I carefully reviewed and considered all of the documentation in the file, the class specifications, and the information provided during the Director's review conference. Based on my review and analysis of Mr. Akin's assigned duties and responsibilities, I find that the classification that best fits Mr. Akin's overall duties and responsibilities is the Information Technology Systems/Application Specialist 6 (ITS/AS6). Mr. Akin's position should be allocated to Information Technology Systems/Application Specialist 6.

**Background**

Mr. Akin requested a reallocation from Information Technology Specialist 5 (ITS5) to ITS/AS6 by submitting a completed and signed Dept. of Personnel Position Questionnaire (PQ) received by EWU Human Resources on February 12, 2007. (Exhibit B-2) By letter dated March 30, 2007, Ms. Kory advised Mr. Akin that his position was properly allocated to the ITS5 class.

Ms. Jolynn Rogers, Director, EWU Human Resources, Rights and Risk informed Mr. Akin by letter dated May 21, 2007, that his position would be allocated to the ITS5 class

effective July 1, 2007. She explained that on July 1, 2007, a new collective bargaining agreement between EWU and WFSE would become effective. The new agreement included returning to the Dept. of Personnel classification plan. (Exhibit B-5)

In response to Ms. Rogers' decision, by letter dated June 13, 2007, Mr. Akin requested Ms. Kory review his position for reallocation as an Information Technology Systems/Applications Specialist 6. (Exhibit B-6) By letter dated December 3, 2007, Ms. Kory responded that Mr. Akin's position was correctly allocated under the new DOP Class Plan as an Information Technology Specialist 5. (Exhibit B-7) Mr. Akin requested a Director's review of his position's allocation by submitting a Director's Review Request Form on December 24, 2007. (Exhibit A-1)

### **Summary of Mr. Akin's Comments**

Mr. Akin indicated that he worked as the EWU Telecommunications Manager and he was responsible for the primary technical architecture, design, implementation and continuing maintenance and upgrades for all telephony systems and networking systems for the EWU Cheney and Spokane campuses. Mr. Akin asserted that during his employment he had worked with several supervisors and also had worked several years without any direct supervision or clear management direction. The following is Mr. Akin's report of the supervisors for his position: Mr. William Kelly, who left EWU 9/11/02; Ms. Linda Matthias became supervisor on 6/30/05; by verbal direction, Mr. Shawn King became supervisor on 12/20/06; Dr. Gary Pratt became supervisor on 8/1/07. Mr. Akin stated that he did not have a supervisor between Mr. Kelly's departure in Sept. 11, 2002 and Ms. Matthias' appointment on June 30, 2005.

Mr. Akin stated he was the telecommunications lead and expert and primary contact for the telephony systems. Mr. Akin described his primary responsibilities as developing the architecture for, defining requirements of, establishing supporting and maintenance programs and procuring and installing new, campus wide telecommunication/telephony systems for both the EWU Cheney and Spokane campuses. To accomplish procuring the new telephony systems, Mr. Akin affirmed that he analyzed and documented the needs of the campus users, he researched systems available, talked to vendors, wrote the RFPs, and managed the vendor selection process. He verified that he closely worked with EWU administrators and budget staff during this process.

Mr. Akin stated that prior to his efforts, there was not a standard way of drafting RFPs and consistent business practices were not in place for his unit. Mr. Akin confirmed that he developed the standards for telecommunications and networking services that are currently in place for RFPs and business practices. He stated that he scheduled a vendor conference where he explained the new EWU standards for information technology to the vendors. He commented that many vendors acknowledged how much easier it was to work with EWU after the standards were in place.

Mr. Akin also reported that about six years ago he initiated and established a Service Desk program using inexpensive software that tracks problem voice and data services calls and situations and allows the technicians a control point for responding to EWU

repair and assistance calls. Previously, calls for repair or assistance were recorded on a paper ticket and it was difficult to get all the information, such as the port connections, and difficult to track. Mr. Akin stated the new tracking system is used for all campus service requests, such as phone computer maintenance, training, and web support. Mr. Akin confirmed he was the administrator of this business critical system. About 28,000 service requests had been processed by February 2007.

Mr. Akin commented that he was the lead employee for two employees and in December 2006 was verbally assigned the responsibility of supervising four additional employees. (Exhibit B-20 and Exhibit B-21) Mr. Akin provided documents from his work on a CD. (Exhibit A-3 E-10) Ms. Kory submitted several exhibits of Mr. Akin's work related to the telecommunications systems. (Exhibit B-11 through B-16)

### **Summary of EWU's Comments**

Ms. Kory indicated that Mr. Akin's position was an exceptionally close fit to the ITS5 class rather than the ITSAS 6 class. She stated that the best fit standard is no reflection on the quality of Mr. Akin's work.

Ms. Kory verified that Mr. Akin has always reported to a supervisor and was not the highest level of authority at any time as required by the ITS/AS6 class. She stated that the ultimate decisions were always the responsibility of supervisors: Patricia Kelley, CIO/Dean of Libraries; Linda Matthias, Director of Enterprise Systems; Shawn King or Dr. Pratt. Ms. Kory discussed the supervisory reporting sequence for Mr. Akin. She stated "...Tom was notified in writing on 3/15/07 that he reported to Shawn King as of that date. Prior to this supervisory change, Tom reported to Linda Matthias." (Exhibit C) Ms. Kory stated she is unable to locate the supervisory comments pages for the Position Questionnaire; those pages are missing. (Exhibit B-2)

Ms. Kory explained that Mr. Akin was not the highest authority on campus, as an executive administrator's signature was required on Mr. Akin's plans, documents and contracts prior to implementation. She further stated that Mr. Akin had not been designated in writing to provide technical leadership in the specialty areas. For these reasons, she determined the best fit for Mr. Akin's position was the ITS5 class.

Ms. Kory affirmed that the collective bargaining agreement required the use of the Higher Education Personnel Board classifications until June 30, 2007. She verified that under a collective bargaining agreement that took effect July 1, 2007, the newly revised Department of Personnel Information Technology Specialists classifications became effective at EWU.

Ms. Kory confirmed that the Job Description prepared by Linda Matthias, dated September 28, 2005 was still in effect in February 2007 and is a valid job description for this review. Although Mr. Akin is now working elsewhere, Ms. Kory indicated that he is missed and is respected for his work to this day.

### **Summary of Dr. Pratt's comments**

Dr. Pratt noted that he had come in August 2007 to EWU as the Chief Information Officer just after Mr. Akin left campus. Dr. Pratt indicated the Ms. Kory had described Mr. Akin's job well. Dr. Pratt indicated that Mr. Akin was a supervisor and worked at the expert level. Dr. Pratt verified that Mr. Akin worked on major organization-wide projects that were highly complex from the initial planning to the RFP. He stated that Mr. Akin initiated the development of standards and drafted RFPs. He confirmed that Mr. Akin had done a wonderful job on campus and was missed on campus since his departure.

### **Rationale for Director's Determination**

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The position description serves the same purpose as the former classification questionnaire. Both the Personnel Appeals Board and the Personnel Resources Board have held that because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

The Information Technology Specialist classifications are broadly written and encompass a wide variety of positions that perform professional information technology systems, and/or applications functions. It is undisputed that Mr. Akin's position fits within the class concept for this classification series found in the Information Technology Specialist 1, class code 479I.

When requesting this review, Mr. Akin was the Telecommunications Manager in the Information Technology-Telecommunications unit at Eastern Washington University. On the Position Questionnaire Mr. Akin stated he spent 85% of his time as the Telecommunications Lead. He stated his duties included: "manage daily duties of ITSS staff; lead/manage technology and infrastructure projects; provide voice and data services and support for the campus; Interface with senior staff/administration; establish and maintain business processes to support efficient service delivery; coordinate/communicate with external agencies." An additional 10% of his time was spent as Telecommunications Systems Administrator during which he installed, upgraded and maintained software applications. The remaining 5% of Mr. Akin's work time was spent doing special projects during which he advised and consulted with other EWU departments on technical needs. (Exhibit B-2)

Mr. Akin described the work that he felt was outside of his current classification, ITS5. The PQ states, in part:

- “Developed the architecture for new telephony systems, and defined requirements to procure all new telecommunications/telephony systems . . . Defined and documented technical and user requirements, wrote Requests for Proposals (and other supporting procurement) documentation and managed the competitive solicitation and process (scoring and vendor selection). . . primary contact for all services and support on the telephony systems.
- Procured and installed nearly every new piece of data networking equipment ...part of the network infrastructure upgrade projects
- Provided technical leadership for all telecommunications wiring (copper and fiber) infrastructure upgrades ...to comply with State Dept. of Information Services
- Defined, designed, and deployed a new Service Desk to efficiently accommodate campus wide support requests for voice and data services, computer maintenance and many other service areas. Procured TrackIt! Service Desk software system as a prototype to upgrade ...This system is now a business critical application and I am the systems administrator for the system.
- Evaluated processes and requirements for a comprehensive software-based telecommunications management system. I created a comprehensive requirements document and prepared an RFP to solicit industry solutions. ....Through the procurement process I selected the Quantum series software system that is in production today. Telecom [EWU system] now has the most comprehensive listing of telephone numbers on campus ..I am the systems administrator for this business critical system. I also managed many other projects .. outside my duties as the Telecommunications Lead; Backup software system, VPNet Fiber installation project, Network Maintenance Contract, Backup Internet Service provider contract and others.” (Exhibit B-Index 2, pg 3)

Information Technology Specialist 5 (ITS5) (class code 479M)

The **Definition** of the ITS5 states: *“This is the supervisory or expert level. Provides expert consultation and specialized analysis, design, development, acquisition, installation, maintenance, programming, testing, quality assurance, troubleshooting, and/or problem resolution tasks for major organization-wide, high risk/high impact, or mission-critical applications computing and/or telecommunication systems, projects, databases or database management systems; support products, or operational problems.*

*Performs highly-complex tasks such as conducting capacity planning to determine organization-wide needs and make recommendations; designing complex agency- or institution-wide enterprise systems crossing multiple networks, platforms or telecommunication environments; overseeing the daily operations of large-scale or enterprise systems; identifying and resolving operational problems for major high risk systems with centralized, organization-wide functions; testing multi-dimensional applications, providing quality assurance; developing standards or enhancing existing, high risk and impact, mission critical applications; integrating business solutions, or writing feasibility studies and decision packages for high visibility/impact initiatives. Provides leadership and expert consultation for large-scale projects or enterprise systems that often integrate new technology and/or carry out organization-wide*

*information technology functions, or impact other institutions or agencies. Provides project management leadership, technical expertise and demonstrates knowledge of project management practices, principles, and skills.*

*May supervise information technology specialists or function as a recognized expert who is sought out by others in resolving or assessing controversial or precedent-setting issues.”*

Several of Mr. Akin’s duties and responsibilities fit within the ITS5 Definition and Distinguishing Characteristics as there is some overlap in description of responsibilities between the ITS5 and the ITS/AS6 classes.

During the review conference Dr. Pratt described Mr. Akin as an expert. Ms. Kory, in her desk audit results, stated, “It is our understanding that your primary responsibilities include evaluating/ planning/ designing / and implementing enterprise wide telecommunications projects which are high-risk, high-impact and/or mission-critical. You function as an expert-level specialist and consultant, and accomplish highly-complex tasks. . .” (Exhibit B-7)

The acknowledgment from Ms. Kory and Dr. Pratt’s endorsement, as well as the job description and other documentation in the file, indicate that Mr. Akin is the “highest level authority” for his areas of information technology specialties which include networks, telephony and telecommunication systems. Highest level of authority in this use, is referencing expertise rather than executive or managerial authority.

Mr. Akin stated that he is the “*telecommunications technical architect, administrator, maintainer, and university staff member designated and relied upon to address all internal and external telecommunications issues. There is no other.*” (Exhibit B1, page 2)

During the review conference, Ms. Kory verified that the Job Description for Mr. Akin’s position, dated September 28, 2005 and prepared by Linda Matthias is a valid job description. The Job Description states, in part: “Position is accountable for: Management and leadership for the development and deployment of University-wide network and telecommunications systems projects. . .assist clients in finding the best solutions for projects crossing multiple networks or telecommunications environments . . . integrating new technology and change operations. . .Expert in evaluating capabilities, characteristics and requirements for telecommunication and networking environments.” (underline added)

The Job Description completed by Mr. Akin’s supervisor, designates in writing that Mr. Akin provide technical and organizational leadership in a specialized area of technology, telecommunication and networking systems. Mr. Akin provided examples of documents and reports he created to translate technological options for telephony and telecommunications systems into business terms. These reports were presented to his supervisor, management groups, budget staff and/or vendors. When working with

vendors or local officials, Mr. Akin indicates he has served as the University spokesperson.

Mr. Akin's designated assignments and responsibilities for leadership in the specialty areas of networking and telecommunication systems, and for translation of technology needs into business needs and formats are beyond the expectations for the ITS5 class. Further, the ITS5 class does not address the level of expertise in a specialty area, the complexity of the enterprise-wide projects, or the scope of the relationships with administration, users, vendors, contractors and others. The ITS5 class does not encompass overall expectations for Mr. Akin's position to be the highest level of authority/expertise in specialty areas, the telecommunications and network architecture. The ITS5 does not encompass the breadth of impact for creating technology solutions to high risk, high profile enterprise-wide, mission-critical business problems that are expected of Mr Akin's position. The ITS5 is not the best fit for the overall duties and responsibilities that are included in Mr. Akin's position.

Information Technology Systems/Applications Specialist 6 (ITS/AS6) (class code 479N)  
The **Definition** for the ITS/AS6 states: *"Serves as the highest level authority for an agency or in a major subdivision of DSHS in an information technology specialty area such as, but not limited to: operating system architecture, network architecture, applications development, applications support and enhancement, desktop/server operating systems, data architecture/administration, security architecture/administration, project management methodology or telephony systems architecture."*

In reading, *"Serves as the highest level authority for an agency...in an information technology specialty area..."*, clarity is needed about the use of the word "authority". The Definition uses "highest authority" in the meaning that the incumbent is the highest level expert or specialist, rather than the organizational, executive or signature type of authority. Administrative or signature authority is different from the use of the word "authority" as an expert or specialist in the information technology specialty areas listed in the Definition of the ITS/AS6 class.

Ms. Kory wrote in her determination dated December 3, 2007, *"...proposed business decisions have required approval of at least one university executive prior to implementation. As a result, the "highest level authority" is the university executive who exercises final sign-off on business decisions you propose or recommend."* (Exhibit B-7, page 1 and 2) The university executive authority Ms. Kory refers to in this excerpt is different than the highest level authority in the specialty area envisioned in the ITS/AS6 Definition.

In Ms. Kory's also wrote in her determination letter dated December 3, 2007, *"...You [Mr. Akin] function as an expert-level specialist and consultant, and accomplish highly-complex tasks... These are just a few examples, from many that are available, of the highly complex enterprise-wide projects and responsibilities you are responsible for."* *"...you are the sole employee with the technical expertise to develop recommendations for our telecommunication systems . . ."* (Exhibit B-7)

The Job Description for Mr. Akin dated September 28, 2005 states for the primary purpose of the position, *"This lead position performs leadership of telecommunications and network staff, for scheduling, assignments and coordination of departmental work, expert level analysis and consulting. The emphasis of this position is in performing lead activities associated with the implementation of large-scale, high risk/high-impact, mission critical, or University-wide computing and telecommunication systems, and tools. These activities include researching, costing, planning, scheduling, designing, acquiring, installing, developing, managing, controlling, and completing systems projects; managing, maintaining and troubleshooting complex operations systems."* (Exhibit B-8)

Mr. Akin is acknowledged as the EWU expert in his areas of information technology specialties, telecommunications, telephony and networking. The documentation provided and the comments of Ms. Kory and Dr. Pratt at the review conference confirmed that Mr. Akin's specialty areas are information technology networking, telecommunications and telephony systems architecture. Mr. Akin's responsibilities and level of expertise in information technology specialties meets the expectations of the Definition of the ITS/AS6 class.

*The **Distinguishing Characteristics** for the ITSAS6 state, in part: "This is the expert professional level where incumbents are designated in writing by IT/IS management to provide technical and organizational leadership in a specialized area of technology. Incumbents possess advanced technical as well as business knowledge and grasp the overall impact of their specialty such that they are trusted by management to independently deal with high risk, high profile initiatives that may impact significant/fundamental public services. Incumbents have mastered the ability to translate technological options into business terms and interact with executive management to create technology solutions to mission critical business problems. Incumbents in this class serve as the agency spokesperson in their area of technical expertise and may make commitments on behalf of their agency. Serve as a technical mentor, coach and trainer to others. Often supervises others.*

*Incumbents typically perform the level of work described below a majority of the time. The work described below is not intended to be all inclusive but representative of the level of duties/responsibilities carried out by this job class:*

- *Responsible for an agency's strategic planning and policy development in their designated area of specialty;*
- *Plans, analyzes, and leads strategic business initiatives and legislative mandates in their designated area of specialty;*
- *Develops agency-wide information technology system architecture; develops multi-agency system architecture;*
- *Project leader for integrating new technologies with existing technologies;*
- *Develops and implements standards and procedures for data, data modeling, and data architecture;*



- *Defines requirements for data base management system and support software; develops plan and coordinates agency-wide implementation of new data base management system software;*
- *Develops business plans, decision packages, and acquisition strategy for Department of Information Services review;*
- *Negotiates service level agreements for major, mission critical applications or services;*
- *Establishes security policies and standards at an agency or statewide (inter-agency) level; manages agency security plan; defines off-site disaster recovery back-up requirements for user databases and system files;*
- *Consultant to executive management in their designated area of specialty.*

The former Personnel Appeals Board had determined that the required *written designation* for this class may take the form of “a formal agency designation form, an approved CQ or other written documentation.” See Osborne v. Dept. of Transportation, PAB No. ALLO 02-0032 (2002).

In the Job Description of September 28, 2005, it states, “Position is accountable for: Management and leadership for the development and deployment of University-wide network and telecommunications systems projects.” This Job Description is an acceptable designation “in writing by IT/IS management to provide technical and organizational leadership in a specialized area of technology” as required by the ITS/AS 6 Distinguishing Characteristics. The specialized areas of technology are network and telecommunications systems. (Exhibit A3 E-7) (underline added)

Mr. Akin’s responsibilities closely match the level of responsibility described above as shown by Ms. Kory’s description in her determination of December 3, 2007. *“It is our understanding that your primary responsibilities include evaluating/ planning/ designing/ and implementing enterprise wide telecommunication projects which are high-risk, high-impact and /or mission critical. You function as an expert-level specialist and consultant and accomplish highly-complex tasks, including (but not limited to) the following:*

- *Developed the architecture for new telephony systems, and on an on-going basis, evaluate/plan/design/ implement/install/maintain the university’s telephony systems and function as the university’s telecommunications systems administrator.*
- *Procured, installed and/or oversaw the installation of nearly all elements of data networking equipment over the past seven years, and serve as the primary contact for data networking service and equipment installation.*
- *Service [Serve] as the primary lead for all new voice and data distribution infrastructure.*
- *Prepare requirements documents, project proposals, RFPs, and competitive acquisition documents.*
- *Designed and implemented a new Service Desk which is still in operation today, including the TrackIt Service Desk software system.” (Exhibit B-7)*

Mr. Akin has been trusted by EWU management to independently deal with high risk, high profile initiatives such as strategic planning, designing and installing a new

telephony system, and improving networking and telecommunications systems at the EWU Cheney and Spokane campuses. Mr. Akin oversees the networks and equipment for the ABC television presidential election night reports from EWU. Mr. Akin possesses advanced technical and business knowledge, and has responsibilities for highly complex, high risk enterprise-wide, mission critical projects, as evidenced by his accomplishments stated in Ms. Kory's letter of Dec. 3, 2007.

Mr. Akin's position's level of authority in the information technology specialties, the independence with which he completed his projects, the high risk/high profile and enterprise wide nature and complexity of his responsibilities, and his representation of EWU to others such as contractors and vendors and the City of Cheney, are best described by the Definition and Distinguishing Characteristics of the ITS/AS6. Mr. Akin's position should be reallocated to the Information Technology Systems/Applications Specialist 6 class as the best fit for his overall responsibilities and duties.

### **Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

cc: Thomas Akin  
Lori Kory, EWU  
Lisa Skriletz, DOP

Enclosure: List of Exhibits

### **List of Exhibits**

**A. Filed by Thomas Akin December 24, 2007:**

1. Director's Review Request Form
2. Memorandum from Thomas Akin Subject: Request for Director's Review including a list of Exhibits submitted.
3. List of EXHIBITS provided by Tom Akin:
  - E-1 Background Information
  - E-2 Audit Packet submitted to EWU February 2007: PQ, attachments, CD.
  - E-3 Original Response Letter from Lori Kory, dated March 30, 2007:
  - E-4 Jolynn Rogers letter RE: EWU Job Specifications and new WFSE contract, May 21, 2007.
  - E-5 Position Review Request to Newly Adopted Class Specifications, dated June 13<sup>th</sup>, 2007.
  - E-6 Desk Audit Response letter from Lori Kory, dated December 3, 2007.
  - E-7 Tom Akin Position Description (class code 2409) August 2005.
  - E-8 Classification Specs for 2409
  - E-9 Classification Specs for ITS Specialist 6 (479N)

**B. Filed by EWU November 21, 2008:**

- Index 1 - Background Information Reference Document
- Index 2 - Position Questionnaire (includes a cover letter from Mr. Akin)
- Index 3 - Mr. Akin's analysis of Class 03286 (ITA/SS6)
- Index 4 - Original Response Letter dated 3/30/2007
- Index 5 - Jolynn Rogers Letter regarding job specifications dated 5/21/07
- Index 6 - Position Review Request from Mr. Akin
- Index 7 - Desk Audit Response Letter dated 12/3/07
- Index 8 - Mr. Akin's Position Description 9/28/05
- Index 9 - Specification for Classification 2409 (ITS5)
- Index 10 - Specification for Classification 479N (ITS/AS6)
- Index 11 - Note by Mr. Akin and Exhibits Summary or Director's Review
- Index 12 - Memorandum from Mr. Akin to Linda Matthias (undated)
- Index 13 - Memorandum from Mr. Akin to Shawn King dated 1/17/2008
- Index 14 - Request for Proposal dated 7/1/03
- Index 15 - Memorandum from Mr. Akin to Shawn King dated 10/23/07
- Index 16 - Memorandum from Mr. Akin to Shawn King (undated)
- Index 17 - Request for Director's Review dated 12/21/07
- Index 18 - Notes made by myself on a copy of Index 3
- Index 19 - Overview sheet of the various IT class specifications with notes
- Index 20 - Org chart covering the period from 12/20/06 through 8/01/07
- Index 21 - Org chart effective 12/3/07

**C. Email from Lori Kory to Meredith Huff and Tom Akins, November 25, 2008.**

**D. Article 19 of 2005-2007 Collective Bargaining Agreement.**

**E. Mr. Akin's same-day response to Ms. Kory's November 25, 2008 email.**